

## Chapter 140

### GRADING AND SEDIMENT CONTROL

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[HISTORY: Adopted by the Mayor and Council of Pocomoke City 4-17-1972 as Ord. No. 226, effective 5-1-1972 (Ch. 27 of the 1968 Code). Amendments noted where applicable.]

### GENERAL REFERENCES

Building construction -- See Ch. 101.  
Flood Plain management -- See Ch. 135.

Stormwater management -- See Ch. 198.  
Subdivision of land -- See Ch. 205.

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#### § 140-1. Grading permit required; exceptions.

- A. A city grading permit must be obtained prior to the start of any grading, clearing, filling or other earth change which may:
  - (1) Introduce sediment into any watercourse of the city; or
  - (2) Move more than three hundred (300) cubic yards of earth.
- B. A grading permit shall not be required for the following:
  - (1) An excavation below finished grade for basements and footings of a building, for retaining walls or for similar structures attendant to the principal building authorized by a valid building permit. The resulting fill shall:
    - (a) Not exceed a vertical height of four (4) feet at its deepest point as measured from the natural ground surface.
    - (b) Not be placed on a surface having a slope steeper than five (5) feet horizontal to one (1) foot vertical.
  - © Not impair existing surface drainage, constitute a potential erosion hazard or act as a source of sedimentation to any adjacent land or watercourse.

- (d) Have no final slopes steeper than one (1) foot vertical in three (3) feet horizontal.
- (e) Have all disturbed areas promptly seeded or sodded as soon as the season permits.

(2) An excavation which:

- (a) Is less than four (4) feet in vertical depth at its deepest point as measured from the natural ground surface.
- (b) Does not result in a total quantity of more than three hundred (300) cubic yards of material on any lot, parcel or subdivision thereof.
- © Does not impair existing surface drainage, constitute a potential erosion hazard or act as a source of sedimentation to any adjacent land or watercourse.
- (d) Has no final slopes steeper than one (1) foot vertical in three (3) feet horizontal.
- (e) Has all disturbed areas promptly seeded or sodded as soon as the season permits.

(3) A fill which:

- (a) Is less than four (4) feet in vertical height at its deepest point as measured from the natural ground surface.
- (b) Is placed on a surface having a slope not steeper than five (5) feet horizontal to one (1) foot vertical.
- © Does not exceed a total of three hundred (300) cubic yards of material on any lot, parcel or subdivision thereof.
- (d) Does not impair existing surface drainage, constitute a potential erosion hazard or act as a source of sedimentation to any adjacent land or watercourse.
- (e) Has no final slopes steeper than one (1) foot vertical in three (3) feet horizontal.
- (f) Has all disturbed areas promptly seeded or sodded as soon as the season permits.

(4) Accepted agricultural land management practices, such as plowing, and nursery operations, such as the removal and/or transplanting of cultivated sod, shrubs and trees and tree cutting at or above existing ground, leaving the stump, ground cover and root mat intact.

- (5) The stockpiling, with slopes at a natural angle of repose, of raw or processed sand, stone and gravel at quarries, concrete, asphalt and material processing plants and storage yards, provided that approved sediment and erosion control measures have been employed to protect against off-site damages.
- (6) Refuse disposal areas or sanitary landfills operated and conducted in accordance with the requirements, rules and ordinances adopted by Worcester County and the State of Maryland. Exemption from permit, however, does not exempt these projects from other aspects of this chapter, including inspection as covered in this chapter.
- (7) Grading and trenching for utility installations within:
  - (a) Highway rights-of-way.
  - (b) Utility easements; provided, however, that all grading or trenching involved does not disturb the natural terrain and that if during the course of utility operations any erosion and sediment control measures previously in place are disturbed or destroyed, the utility company shall restore or repair such measures to their original condition.
- (8) Individual private septic systems which do not disturb the natural terrain.
- (9) Grading as a maintenance measure or for landscaping purposes on existing developed lots or parcels, provided that:
  - (a) The aggregate of the area(s) affected or bared at any one time does not exceed three thousand (3,000) square feet.
  - (b) The grade change does not exceed three (3) feet at any point and does not alter the drainage pattern.
  - © All bare earth is promptly seeded, sodded or otherwise effectively protected from erosive actions.
  - (d) The grading does not involve a quantity of material in excess of three hundred (300) cubic yards.
- (10) Authorized Pocomoke City public works improvement and maintenance activities. Exemption from permit, however, does not exempt these projects from other aspects of this chapter, including inspection, as covered in this chapter.
- (11) Construction of single-family residences and/or their accessory buildings on lots of two (2) acres or more.

§ 140-2. Conditions; denial of permit.

The city reserves the right to impose such conditions on the grading permit as may be reasonable to prevent creation of a nuisance or dangerous condition and to deny the issuance of a grading permit where the proposed work would cause a hazard adverse to the public safety and welfare.

§ 140-3. Permit application.

Application forms for a grading permit will be available at City Hall and such other places as the Council shall direct. The form, when completed, shall provide sufficient information to identify the applicant, the place and nature of the work to be done and the steps or procedures to be taken to control erosion and sedimentation and approximate beginning and ending time for soil earthmoving. Acceptable standards and specifications for soil erosion and sediment control shall be available in the office of the Worcester County Soil Conservation District. Where developments are involved [commercial, industrial or two (2) or more residential units or lots], the developer shall include in the application a grading and an erosion and sediment control plan designed by a professional engineer registered in the State of Maryland and a certificate that all land clearing, construction and development will be done pursuant to the said plan.

§ 140-4. Sediment Control Inspector; compliance with county and state requirements.

- A. There is hereby created the office of Sediment Control Inspector. The Sediment Control Inspector shall be appointed by the Mayor, with the approval of the Council, shall serve and shall receive such compensation as may be provided for by the Council. The Sediment Control Inspector shall have charge of issuing or refusing permits required under this chapter.
- B. Proposed steps and procedures to control erosion and sedimentation must be approved by the Worcester County Soil Conservation District prior to issuance of a grading permit by the Sediment Control Inspector. Erosion and sediment control plans, when required, must be approved by the Worcester County Soil Conservation District. Issuance of a city grading permit does not eliminate the requirement for obtaining a Department of Natural Resources permit, if required under conditions specified by state law.

§140-5. Notice to comply; permit suspension.

In the event that work performed does not conform to the provisions of the permit or to the approved plans and specifications or to any written instructions of the Sediment Control Inspector, a written notice to comply shall be given to the permittee. Such notice shall set forth the nature of the corrections required and the time within which corrections shall be made. Failure to comply with such written notice shall be deemed justification for suspension of the permit, which will require that all work stop except that necessary for correction of the violation. Upon correction of the violation, the permittee may apply for removal of the suspension.

§ 140-6. Permit cancellation.

After suspension of a grading permit, if corrections required are not completed within the time period specified as provided in ~ 140-5 above, the permit shall be canceled. In the event of cancellation, any bonds or cash deposits posted with the city shall be used for work on the site to prevent erosion.

§ 140-7. Cash deposit or bond.

When recommended by the Sediment Control Inspector and approved by the Council, the permittee shall be required, prior to the issuance of a grading permit, to post with the city a cash deposit, performance bond from an approved corporate surety or other collateral acceptable to the city. The amount posted shall be sufficient to guarantee that in the event that provisions of the permit are not completed satisfactorily or that the permit is canceled, the site can be restored to a condition meeting the minimum requirements of the standards for erosion control.

§ 140-8. Duration of permit; extension.

A grading permit shall be valid for a period of one (1) year from the date of issuance. Upon request and adequate justification of a permittee, the Sediment Control Inspector may grant a six-month extension of validity.

§ 140-9. Inspections.

- A. The Sediment Control Inspector shall be responsible for detecting violations of this chapter, requiring compliance with provisions of approved grading permits and initiating appropriate action against offenders. The Sediment Control Inspector shall make a final on-site inspection when the work covered by an application is reported completed and shall forward his or her report to the Worcester County Soil Conservation District.
- B. The permittee shall request the Sediment Control Inspector to make inspections at the following stages of work:
  - (1) Prior to initiating any grading operation, to inspect the natural site and to approve a written description of the supervision and construction control program.
  - (2) Upon completion of preparation of ground to receive fill but prior to beginning any placement.
  - (3) Upon completion of final grading, permanent drainage and erosion control facilities but prior to any seeding, sodding or planting.
  - (4) Upon completion of installation of all vegetative measures and all work in accordance with the grading permit.

- C. The Sediment Control Inspector may make any additional inspections deemed necessary and may waive any of the inspections listed above except the final on-site inspection. Inspections requested shall be completed within two (2) working days.

#### § 140-10. Permit fee

A non-refundable fee as set forth in the Fees, Charges and Rates Schedule, adopted by resolution of the City Council from time to time shall be paid at the time of application for a grading permit.

#### § 140-11. Violations and penalties; injunction; notice of violation.

Any violation of this chapter shall be deemed a misdemeanor, and the person, partnership or corporation who or which is found guilty of such violation shall be subject to a fine not exceeding five thousand dollars (\$5,000.) or one (1) year's imprisonment for each and every violation. Any agency whose approval is required under this chapter or any person in interest may seek an injunction against any person, partnership or corporation, whether public or private, violating or threatening violation of any provisions of this chapter. Notice of violation of the provisions of this chapter shall be filed with the Maryland Department of Natural Resources as well as with appropriate county agencies.